

COMMISSION DIRECTIVE

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>November 6, 2007</u>
MOTOR CARRIER MATTERS	<input type="checkbox"/>	DOCKET NO.	<u>2007-319-W</u>
UTILITIES MATTERS	<input checked="" type="checkbox"/>		<u></u>

SUBJECT:

DOCKET NO. 2007-319-W - Application of South Atlantic Utilities, Incorporated for Approval of an Increase in Rates and Charges for the Community Water System at May River Plantation in Bluffton, South Carolina – Discuss with the Commission a Request for Waiver as to the Requirement of an Attorney at the Hearing Filed by Thomas A. Smith, III.

COMMISSION ACTION:

The Company states several grounds for the request for waiver of the hiring of an attorney. However, none of them are valid, in light of this Commission's regulations and a ruling by the South Carolina Supreme Court. Commission Regulation 103-804(T) on representation, states that an individual may represent himself or herself in any proceeding before the Commission, and an attorney authorized to practice law in the State of South Carolina may represent a party in any proceeding before the Commission. There is no provision for allowing a non-attorney to represent any entity other than himself or herself. The regulation goes on to state that all persons acting in a representative capacity before the Commission shall be subject to any limitation imposed by statute or other proper authority. In this case, Mr. Chairman, the applicable "other proper authority" is the South Carolina Supreme Court. On September 21, 1992, that Court issued an order which considered the unauthorized practice of law in South Carolina. This Order has not been overturned. The Order held that state agencies may, by regulation, authorize persons not licensed to practice law to appear and represent clients before the agency. At present, Mr. Chairman, the Commission has no such regulation. Since there is no authority for the waiver requested by the Company, I move that we deny it. Mr. Chairman, that is my motion.

PRESIDING	<u>Hamilton</u>				Session:	Regular
	MOTION	YES	NO	OTHER	Time of Session	<u>2:30 PM</u>
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED	<u></u>
FLEMING	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		APPROVED STC 30 DAYS	<u></u>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ACCEPTED FOR FILING	<u></u>
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		DENIED	<u></u>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED	<u></u>
MOSELEY	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED	<u></u>
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SUSPENDED	<u></u>
					CANCELED	<u></u>
					SET FOR HEARING	<u></u>
					ADVISED	<u></u>
					CARRIED OVER	<u></u>
					RECORDED BY	<u>SCHMIEDING</u>